

## Board of County Commissioners Workshop Item

**Date of Meeting:** September 17, 2002

**Date Submitted:** September 12, 2002

**TO:** Honorable Chairman and Members of the Board

**FROM:** Parwez Alam, County Administrator  
Vincent Long, Assistant County Administrator

**SUBJECT:** Workshop on 2003 State and Federal Legislative Priorities.

**STATEMENT OF ISSUE:**

To conduct a workshop with the Board on the state and federal legislative priorities to guide the County's lobbying efforts for the 2003 state legislative session and the first session of the 108<sup>th</sup> Congress.

**BACKGROUND:**

Historically, the Board has conducted a workshop with staff on legislative priorities to guide the County's lobbying efforts. In recent years, staff has utilized this forum to receive Board direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the state and federal level.

**ANALYSIS:**

Upon the close of the state legislative session each year, staff solicits legislative appropriations and policy requests from the County's departments. A follow-up working session is conducted with staff to compile a proposed list of new policy issues and appropriations requests, as well as others sought in previous sessions, for Board consideration. Staff has identified ten appropriation requests and nineteen policy statements covering five legislative areas for the 2003 state legislative session (please see Attachments #1 and #2). Our federal legislative efforts are focused on appropriation requests. Staff has identified twelve federal appropriations requests for the first session of the 108<sup>th</sup> Congress (please see Attachment #3).

Rather than ask the Board to rank projects in priority order, staff is seeking Board assent to the state and federal substantive and appropriations issues presented here to be included in the County's 2003 State and Federal Legislative Programs. Upon Board approval, staff and contract lobbyists will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues given the opportunities that arise during the legislative process. Notwithstanding this, staff will assign priority to any issue that the Board directs to receive a special level of attention in 2003. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2003 legislative efforts.

It is important to note that in addition to the specific Leon County issues identified by staff, much of the County's legislative efforts each session are focused on statewide issues in conjunction with the Florida Association of Counties (FAC). FAC will finalize their 2003 Legislative Program during their legislative conference in December, 2002. These issues are often times the most critical issues facing the County during the State legislative session.

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**PROPOSED LEON COUNTY 2003 STATE LEGISLATIVE SESSION:  
Appropriation Requests**

*(Please Note: For complete information on each, see Attachment #1)*

Staff works throughout the year to identify County projects for which to submit state appropriations requests. The appropriation requests identified, below, cover significant County initiatives ranging from state funding for the County Uninsured Healthcare Program to increased funding for stormwater projects to transportation funding. These appropriation requests include targeted grant requests for two significant projects. The first grant funding request is under the State Department of Environmental Protection's (DEP) new water quality grant program. Staff and the administrators from the Northwest Florida Water Management District identified the Lake Charles/Harbinwood flood mitigation project as the best County project to forward for DEP and legislative consideration.

The other important grant funding request that the County has targeted for state funding is the Capital Circle NW/SW road widening project from I-10 to Tennessee Street. A Transportation Outreach Program (TOPs) grant application for this project is being prepared by the MPO. Additionally, staff has been monitoring alternative methods for transportation funding. The State is also considering the development of a Strategic Intermodal System (SIS) that could replace the TOPs program in the future. Transportation leaders from across the state are currently meeting to determine the level of intermodal characteristics a transportation facility must have to be included in this system. The County is working with state and local partners to gain approval of the Capital Circle NW/SW project for inclusion in the new SIS, as the system continues to form through the end of regular session 2003.

The following is the proposed Leon County 2003 State appropriation requests:

<u>Primary Healthcare Fund Match Program</u>	\$1,000,000
Each County dollar would be equally matched under program	
<u>Capital Circle NW/SW (Intermodal Connector)</u>	*\$9,000,000
I-10 to West Tennessee Street	
ROW Acquisition and Construction	
<u>Gaines Street Revitalization and Corridor Project</u>	\$50,000,000
ROW Acquisition and Construction	
<u>Cascades Park Remediation</u>	\$3,500,000
Clean up and restoration of the Cascades Park site	
<u>Lake Charles/Harbinwood Flood Mitigation</u>	**\$2,000,000
Construction	

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Lake Munson

- |  |             |
|--|-------------|
| A) In-Lake Restoration   | \$6,000,000 |
| Sediment removal, habitat restoration, and recreational enhancements |             |
| B) South Slough Improvements   | \$7,500,000 |
| Increase floodplain storage and enhance habitat.                     |             |

<u>County-wide Floodplain Mapping</u>	\$300,000
Update through new GIS technology floodplain mapping and stormwater modeling	

<u>Jackson View Park Development (FRDAP Grant)</u>	\$150,000
Development of 42 acre passive park on Lake Jackson's Shores	

<u>Waste Tire Demonstration Project (FDEP Grant)</u>	\$1,500,000
Public/Private Sector Grant Program that would turn waste tires into pre-cast concrete product. This 2 year pilot project based on state funding.	

\* Transportation Outreach Program Grant to be submitted, requires 2003 legislative approval

\*\* DEP Water Quality Program Grant to be submitted, requires 2003 legislative approval

**PROPOSED LEON COUNTY 2003 STATE LEGISLATIVE SESSION**

**Policy Requests**

*(Please Note: For complete information on each, see Attachment #2)*

Like most legislation, much of the County's legislative efforts are incremental and are focused on issues that are built upon throughout several sessions. However, each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or "substantive" legislative issues. Significant substantive issues that have been identified for County participation range from the development of a state Payment in Lieu of Taxes (PILOT) Program to full funding for Article V implementation to increased funding for mental health services.

In addition to the substantive issues identified by the County, staff works daily with FAC and the Florida Association on Intergovernmental Relations (FAIR) to identify developing issues that effect counties during session's quick pace. In many cases, the County joins FAC and FAIR members to advocate for or against initiatives that would substantially impact counties (*Please note: FAIR members are representatives of local governments from across the state.*).

Please find (on Pages #4 through #7, below) a listing of the proposed Leon County 2003 State Legislative Session policy requests. Each request indicates the specific legislative action recommended for each specific issue:

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## **Section I. Finance and Tax**

### **Payment in Lieu of Taxes (PILOT)**

Issue: The Legislative Committee on Intergovernmental Relations accepted a directive from the Speaker of the House to study the PILOT issue, and it's potential applicability to Florida's communities, during the fall of 2002.

Action: Assist the LCIR in studying this important issue and seek legislation that creates a new state PILOT program that is beneficial to Leon County.

### **Water/wastewater system ad valorem exemption**

Issue: 1999 Legislation exempted from ad valorem taxation any not-for-profit wastewater corporation if the sole or primary function of the corporation is to construct, maintain, or operate a water or wastewater system in the state. Talquin Electric failed to qualify under the exemption as written and has considered advocating legislation to broaden the intent of the existing statute.

Action: Seek further statutory clarification which provides that rural electric cooperatives, or subsidiaries thereof, are not eligible for this exemption and monitor any attempts to broaden the application of this statute.

## **Section II. Growth Management, Environment, Transportation & Infrastructure**

### **Local Option Sales Tax/Grant Preference Legislation**

Issue: 2002 Legislation passed which gave counties preference on their state transportation grant applications if they met a minimum population standard of 50,000 and implemented the full 6 cents local option fuel tax or dedicated 35% of their local option sales tax to state transportation projects. Relatedly, proviso language also passed that pushed the implementation date of this legislation out until July 2003 to allow for the refinement of this language.

Action: Seek further statutory clarification which removes the minimum population standard for counties and further narrows the potential beneficiaries of this statute by changing the "or" (as **highlighted** above) to "and." This change will refocus the grant preference toward those counties that utilize a large portion of their local option sales tax dollars on state transportation projects.

### **Growth Management Reform**

Issue: The 2002 Legislature passed significant growth management reform ranging from school concurrence issues to community redevelopment area revisions. However, growth management reform issues are normally raised during each session and warrant review and examination.

Action: Continue to monitor growth management issues and advocate county **15**

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- position.
- Libraries**
- Issue: State Aid
- Action: Continue to support full or expanded funding for State Aid to Libraries
- Issue: Internet Access of Obscene Material / Library Filtering Issue
- Action: Monitor filtering issue, support filtering by local control and support further study of filter technology and effectiveness.

### **Section III. Health and Social Services**

#### **Medicaid Cost-shift**

- Issue: Legislation that would have shifted an estimated \$48 million in Medicaid nursing home costs to counties failed at the end of the 2002 sessions. However, it is anticipated that this legislation may be reintroduced next year.
- Action: Support the continued state funding of the Medicaid program at current levels.

#### **Mental Health**

- Issue: Shortage of local treatment opportunities and mentally ill in the county jail.
- Action: Support the Florida Partners in Crisis legislative efforts in 2003 to address the above issues.

### **Section IV. Public Safety**

#### **County Jail**

- Issue: Jail Overcrowding
- Action: Support the state funding of state prisoners in county jails. Monitor legislation which requires supervision of early release prisoners and of the numbers of juveniles, charged as adults, for their impact on county jail populations.

#### **Probation**

- Issue: Jail Overcrowding
- Action: Monitor any changes affecting house arrest and support its expanded allowable use as a condition of probation in misdemeanor and traffic offenses.
- Issue: Pretrial Release

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Action: Monitor any changes to statutes affecting pretrial release and advocate continued support for program.

**Probation (continued)**

Issue: Juvenile Justice Funding

Action: Monitor funding levels and the potential reduction of local alternative and prevention programs to ensure that the burden for treatment and prevention of juveniles is not shifted to counties.

**Animal Control**

Issue: Proposed legislation related to streamlining the dangerous animal appeal process and other related issues

Action: Support legislation.

**Civil Penalties and Radio Communication Systems (800 MHz)**

Issue: Legislation that would have redirected \$12.50 traffic fine revenues from counties to cities that own their own 800 MHz communication system passed in 2002, but was vetoed by the Governor. These "\$12.50" revenues support operating costs for emergency communication systems across the state.

Action: Monitor this issue and support the continuance of the state's current \$12.50 traffic fine revenue distribution methodology.

**Section V. General Government**

**Purchasing**

Issue: State Contracts

Action: Oppose changes to state contracting structure that would negatively affect county savings, purchasing power and efficiency under current structure.

Issue: Statutory limits for continuing supply contracts are set very low and result in eliminating some contracts, requiring additional and unnecessary RFP.

Action: Support "Consultant's Competitive Negotiation Act" changes that will raise the statutory limits for continuing supply contracts to more reasonable levels.

**Section VI. Statewide Issues**

**TOPs Funding**

Issue: 2002 Legislation that would have revised the State's Transportation Outreach Program (TOP) failed. This resulted, partly, in zero funding for the County Incentive Grant and Small County Grant programs over the next three years. Revising the TOP program is anticipated to be revisited during the 2003

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regular session as legislators attempt to improve the system by which state road projects are funded. Staff has already begun to hold meetings with key decision makers to ascertain and analyze the future of TOPs and it's potential replacement (such as the SIS program as discussed on Page #2, above). These purpose of these meetings is to position County projects favorably under any modified state transportation project review process.

Action: Monitor this issue and advocate County position.

#### **Protection of State Workforce**

Issue: Recent executive and legislative actions have reduced the number state workers and have placed a significant number of others at risk for reduction. State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. Future privatization plans are expected in upcoming legislative sessions.

Action: Monitor this issue and advocate for the continued protection of our state workforce.

#### **Florida Association of Counties (FAC) Issues**

Issue: FAC represents all 67 counties at the Legislature on issues that have broad statewide appeal, such as Article V implementation. FAC will begin their policy statement discussions on 2003 legislative issues at the FAC policy committee meeting scheduled for early October, 2002. FAC will finalize their 2003 legislative program during their legislative conference in early December, 2002.

Action: Support the 2003 FAC legislative program unless specific issues conflict with the County's issues.

#### **Waste Tire Grant Fund Distribution**

Issue: In 2001, the state removed the Florida Department of Environmental Protection (FDEP) Waste Tire Grant program, resulting in an approximate \$33,000 loss to Leon County and triggering a raise in the Tire tipping fee from \$57 to \$100 per ton. The 2002 legislature brought back funding for the Waste Tire Grant Program but carved out 25% of the total Grant for spending on small counties with a population under 100,000.

Action: Monitor this issue and advocate for continued funding of the Waste Tire Grant Program with county allocations based upon an equitable population based formula not including the current 25% carve out for small counties.

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# **FEDERAL LEGISLATIVE ISSUES:**

## **Ongoing 107<sup>th</sup> Congress (second session) Leon County Appropriations Requests**

*(Please Note: For complete information on each, please see Attachment #3)*

The second session of the 107<sup>th</sup> Congress began in January 23, 2002 and is targeted to adjourn October 5, 2002. The Board of County Commissioner's practice has been to focus the County Federal Legislative Program on appropriations issues. Any substantive issues that we have at the federal level are coordinated through our National Association of Counties (NACO) representation.

Staff continually works with the County's federal contract lobbying firm, Patton Boggs, throughout the year, to advocate for the County's targeted appropriation requests. Staff coordinates weekly with Patton Boggs by phone and e-mail to strategize on key federal budget issues and to identify new federal grant funding that could potentially fund County project requests. For example, Patton Boggs is currently working with staff to obtain \$71 million in funding for the widening of Capital Circle NW/SW through the 2004 Transportation Equity Act (TEA) process.

Currently, the Senate has already adopted a budget document, while the House (which just returned from recess on September 4th) has not. A joint budget committee will begin negotiations on the final budget upon passage of a House budget document. Although the federal fiscal year begins on October 1<sup>st</sup>, it is not unusual for Congress to not have agreed upon the final budget plan at that time. Staff anticipates that Congress will pass a Continuing Resolution, allowing the federal government to continue operations over the interim, and will finalize the budget by the end of 2002. Staff will continue to monitor the federal budget process and inform the Board of any important congressional action. Upon final passage of the federal budget, staff will prepare a memo to the Board detailing the levels at which each of the following County priority appropriation requests were funded.

The following list details the ten projects for which the County is seeking federal appropriations in 2002:

Cascades Greenway	\$550,000
Final planning and design	
Eastern Sinks Watershed Study	\$500,000
Primary Care and Dental Services Building Renovation	\$450,000
Ft. Braden Branch Library	\$400,000
Funding for branch library equipment	
Gaines Street Revitalization and Corridor	\$50,000,000
Right of way	
Floodplain Mapping	\$300,000
New GIS technology for improved floodplain mapping and stormwater modeling	

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Lake Munson In-lake restoration	\$6,000,000
Lake Munson South Munson Slough Improvements	\$7,500,000
Capital Circle NW/SW Airport to Tennessee Street - Construction	\$30,000,000
Capital Circle NW/SW Tennessee Street to I-10 - Construction	\$16,000,000

### **Proposed 108<sup>th</sup> Congress Appropriations Requests**

*(Please Note: For complete information on each, please see Attachment #3)*

The first session of the 108<sup>th</sup> Congress will begin in January of 2003. Staff is recommending that the unfunded projects from the above list (second session of the 107<sup>th</sup> Congress) be updated and added to the project list for the 108<sup>th</sup> Congress, provided that such projects remain a County need.

In addition to ongoing requests from the 107<sup>th</sup> Congress, staff recommends that the following two "new projects" also be pursued for the 108<sup>th</sup> Congress:

Watershed Studies Eastern Sinks, or other County basin	\$500,000
Blueprint 2000 Project Widening of Capital Circle NW/SW from I-10 to U.S. 90 -Targeted Transportation Equity Act (TEA) funding for this significant appropriation request.	\$71,000,000

Please note that the contract with the current County Federal Lobbyist, Patton Boggs, is scheduled to end on December 31, 2002. Staff will bring back an agenda item to the Board in November 2002, for Board consideration on continuation of the contract for these services.

### **OPTIONS:**

- 1) Approve the 2003 state legislative issues and 108<sup>th</sup> Congress (1<sup>st</sup> session) federal legislative issues as presented.
- 2) Approve the 2003 state legislative issues and 108<sup>th</sup> Congress (1<sup>st</sup> session) federal legislative issues as amended by the Board.

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3) Provide Staff other direction

**RECOMMENDATION:**

Option #1

**Attachments:**

- #1: 2003 State Legislative Session Appropriation Request Forms and Related Materials
- #2: 2003 State Legislative Session Policy Request Forms and Related Materials
- #3: August 14, 2002 Memo from Don Lanham (Relating to 2003 Federal Issues)

PA/VL/DL/BHP/bhp